

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In the Matter of)	
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Telecommunications Relay Services and)	
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
)	

TO: The Commission

**SNAP TELECOMMUNICATIONS, INC.'S ANNUAL REPORT
ON PROGRESS TOWARDS MEETING WAIVED REQUIREMENTS**

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Snap Telecommunications, Inc. (“Snap”), by its attorneys, hereby submits its annual report on progress towards meeting certain telecommunications relay service (“TRS”) requirements that are waived for video relay service (“VRS”) providers.¹ In this report, Snap also details its plans for complying with the Commission’s recent orders establishing requirements for emergency call handling and speed dialing, both of which had previously been waived for VRS providers.²

¹ See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475 ¶¶ 111, 140 (2004) (“*2004 TRS Order*”) (granting various waivers for VRS providers, subject to requirement that VRS providers submit an annual report to the Commission, in narrative form, explaining the progress made by the provider to meet the waived standards). Since Snap currently offers only VRS service, not IP relay, this filing is limited to a discussion of the existing VRS waivers.

² See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 22 FCC Rcd 21869 ¶¶ 14-15 (2007) (“*2007 Waiver Order*”); *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, et al.*, CG Docket No. 03-123, *et al.*, Report and Order, FCC 08-78 (rel. Mar. 19, 2008) (“*VRS E911 Order*”).

I. SNAP'S PROGRESS ON CURRENTLY WAIVED VRS REQUIREMENTS

The following call types/services continue to present significant technical, cost, practical, and/or other challenges for VRS providers, thereby impeding workable solutions. Snap therefore respectfully requests that the waivers for these requirements be extended from the current expiration date of January 1, 2009 at least until January 1, 2010.

A. Types of Calls (Operator-Assisted Calls, Billing for Long Distance Calls)

The Commission's rules require TRS providers to handle operator-assisted calls, such as 411 directory calls, and certain types of long-distance calls that require operator assistance and billing directly to the caller's telephone bill.³ The Commission waived the requirement that VRS providers bill separately for these calls, because they did not have a billing mechanism to charge users for such calls.⁴

The characteristics of the Internet that currently preclude identifying the geographic location or other billable criteria of callers through the Internet continue to make it technically impossible to provide these services, as well as a number of the other services discussed below.⁵

³ See 47 C.F.R. § 64.604(a)(3); *see also* 2004 TRS Order ¶¶ 113-15; *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 17 FCC Rcd 157 ¶¶ 9-10 (2001) ("2001 VRS Waiver Order").

⁴ See 2001 VRS Waiver Order ¶¶ 9-10; 2004 TRS Order ¶¶ 113-15; 2007 Waiver Order ¶¶ 14-15.

⁵ The Commission's plan to adopt a ten-digit numbering system for Internet-based TRS users may ameliorate to some extent this technical and practical limitation. See *In re Consumer & Governmental Affairs Bureau Seeks to Refresh Record on Assigning Internet Protocol (IP)-Based Telecommunications Relay Service (TRS) Users Ten-Digit Telephone Numbers Linked to North American Numbering Plan (NANP) and Related Issues*, CG Docket No. 03-123, Public Notice, DA 08-607 (rel. Mar. 19, 2008) ("2008 Numbering PN"); *see also* *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442 ¶¶ 44-57 (2006) ("Interoperability Declaratory Ruling and Further Notice"). However, at this point in time, VRS architecture remains such that caller information is not automatically passed along. Moreover, even a user registration process, as discussed below in connection with emergency call handling, will not eliminate all of the technical limitations, because many VRS calls may be from non-registered users. This is particularly so in the wake of the Commission's adoption of its VRS interoperability rules, which allow a user to place a VRS call to any VRS provider at any time.

Snap does not foresee any technical breakthrough in the immediate future that would resolve this limitation.

In addition, no technology for billing VRS users directly or through their Internet providers for such calls has developed since the extension of the waivers in 2004. While billing for completion of operator-assisted calls and for certain long distance calls might be technically possible through the use of credit cards, the Commission has previously concluded that using a calling card is not a viable option for VRS.⁶

Neither Snap nor to its knowledge any other VRS provider is currently set up to accept credit card billing, and the implementation of a Commission-approved billing and accounting mechanism that could support charge-backs and bad debt would require considerable research and development that is difficult for VRS providers to undertake given the Commission's current rules precluding reimbursement for such R&D costs.

Finally, such a system is likely to provide only a marginal benefit to VRS users, while inflating the number of minutes required to set up such VRS calls.

In the interim, consistent with the Commission's waiver condition,⁷ Snap offers free long distance calling and free 411 assistance to VRS users.

B. Equal Access to Interexchange Carriers

The Commission's rules require TRS providers to permit TRS users access to interexchange carriers of their choice.⁸ The Commission waived this requirement for VRS

⁶ See *2001 VRS Waiver Order* ¶ 10. The Commission stated that the use of calling cards hinders a user's ability to make use of VRS if a user is unaware that he or she needs to have a calling card or if the user cannot qualify for or have access to calling cards. Based on Snap's experience, credit cards may be similarly inaccessible and/or unused in the deaf community and therefore pose the same obstacles to the use of VRS as calling cards. Additionally, even the use of credit cards would not solve the aforementioned key issue of knowing the location from where a VRS user is calling.

⁷ See *2004 TRS Order* ¶ 115; see also *id.* ¶¶ 127-29.

⁸ See 47 C.F.R. § 64.604(b)(3); see also *2004 TRS Order* ¶¶ 124-29; *2001 VRS Waiver Order* ¶¶ 17-18.

providers for several reasons. First, since the deaf-to-Communications Assistant (“CA”) portion of a VRS call is carried over the Internet, the VRS provider does not necessarily know the VRS user’s interexchange provider of choice, since the user’s identity may not be known.⁹ Second, the Internet-based nature of the call prevents the VRS provider from determining whether the call is actually a long distance call.¹⁰ The VRS provider may be located in an entirely different state from the VRS user, who accesses the VRS call center via the Internet. Consequently, what may be a local call for the VRS user may be a long distance call for the VRS provider and vice versa. As such, implementing carrier of choice in the VRS context could very well cause considerable confusion, invite consumer complaints, and increase costs without creating any substantial corresponding benefits.

Given that these concerns and potential risks continue to exist today with respect to carrier of choice calling in the VRS context, Snap respectfully submits that a Commission policy decision is warranted prior to any technological solution being pursued and implemented on this issue. Unless and until such a decision is made, the technical, cost, and practical considerations noted above strongly favor continuation of the choice-of-carrier waiver for VRS.

In the interim, consistent with the Commission’s waiver condition,¹¹ Snap provides free long distance calling for VRS users.

C. Pay-per-call (900) Service

The Commission requires TRS providers to relay pay-per-call services, which are calls (*i.e.*, 900 number calls) that are billed back to the user via their telephone bills for services

⁹ See *supra* note 5.

¹⁰ See 2007 Waiver Order ¶ 16.

¹¹ See 2004 TRS Order ¶ 127.

provided over the telephone call.¹² The TRS provider is required to provide the caller's ANI to the 900 service provider, in order to allow the 900 service provider to bill the caller directly. The Commission waived this requirement for VRS providers, because: (1) it recognized that the technology was not available for VRS providers to access the caller's ANI and therefore could not bill the calling party for the 900 call directly or pass along the ANI to the 900 provider;¹³ and (2) the "cost of compliance was high."¹⁴

Due to the Internet-based nature of VRS calls, calling architectures have not progressed yet to the point where VRS providers can automatically gather and pass ANI. Moreover, a 900 number call typically terminates to a recorded announcement that is not answered by a live attendant (a circumstance that is outside the control of the VRS provider), thereby further compounding the impracticability of alternate billing in this area for VRS providers. Snap does not foresee any technical breakthrough in the immediate future that would resolve this limitation but also notes that its users have not requested this service. Unless and until this situation changes, the technical, cost, and practical considerations noted above strongly favor continuation of the waiver for pay-per-call services by VRS providers.

D. Call Release

The Commission also requires TRS providers to offer "call release."¹⁵ The call release feature allows the CA to join two TRS users on a single call and then sign-off or be "released"

¹² See 47 C.F.R. § 64.604(a)(3)(iv); see also *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 ¶ 98 (2000) ("Improved TRS Order").

¹³ See *2007 Waiver Order* ¶ 13; *2001 VRS Waiver Order* ¶ 19; *2004 TRS Order* ¶¶ 130-32.

¹⁴ *2004 TRS Order* ¶ 130.

¹⁵ See 47 C.F.R. § 64.604(a)(3)(vi); see also *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, et al.*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379 ¶ 69 (2003) ("Second Improved TRS Order").

from the telephone line, without disconnecting two TRS users. The Commission waived this requirement for VRS providers because the record showed that the technology was not available for call release in the VRS context.¹⁶

It is already possible for two hearing- or speech-impaired users to call one another directly without VRS if they have video conferencing software or videophones that are compatible with one another. However, there are still technical and other limitations on VRS providers' ability to offer call release between two videophones.¹⁷

First, Snap is unaware of any technology that makes it possible for software or videophones using *incompatible* protocols to continue to communicate directly after the CA is released from the call. Rather, in this instance, the VRS center and the CA serve as a necessary bridge between the incompatible end user video software and/or equipment and must therefore remain part of the call for it to continue. Snap does not foresee any technical breakthrough in the immediate future that would resolve this limitation.

Second, call release between *any* two videophones (even two *compatible* videophones) poses an additional obstacle, namely, such calls increase the VRS provider's network bandwidth usage by as much as fifty percent *and* continue to utilize the VRS provider's network even *after* the CA has dropped off, thereby significantly increasing the cost of such calls and potentially impairing other calls to the VRS center. At the same time, however, under the current Commission rules, the VRS provider would presumably not be entitled to request reimbursement for the minutes after the CA releases the call, because the CA is not involved in the call once it is

¹⁶ See 2007 Waiver Order ¶¶ 10-11; Second Improved TRS Order ¶ 76.

¹⁷ It goes without saying that call release between a videophone and a TTY or between a videophone and an amplified phone offers little benefit, because users will not be able to take advantage of the video capabilities or, for that matter, communicate at all.

released. In short, call release continues to pose significant technical, cost, and practical issues that the Commission would have to resolve before imposing this requirement on VRS providers.

E. VCO and HCO Calls

The Commission requires TRS providers to offer all types of voice-carryover (“VCO”) and hearing-carryover (“HCO”) calls: one-line VCO, one-line HCO, two-line VCO, two-line HCO, VCO-to-TTY, HCO-to-TTY, VCO-to-VCO, and HCO-to-HCO.¹⁸ The Commission granted VRS providers the waiver for VCO and HCO calls, because the quality of voice calls over the Internet was likely to be poor.¹⁹ However, it currently requires VRS providers to provide *two-line* HCO and VCO, which uses VRS equipment and a second analog phone line, because the voice portion of the HCO or VCO call can be transmitted over a regular analog phone line.²⁰

Snap’s network is capable of handling both one-line and two-line VCO and HCO calls. Although it remains true that the absence of quality of service (“QoS”) requirements on all legs of an Internet-based voice call can introduce QoS deficiencies into one-line VCO and one-line HCO calls, Snap’s relay system transmits audio of sufficient quality such that the party on the audio-only line generally can hear the party on the videophone. While VRS users have the option of pushing a “mute” button on their videophone in order to prevent audio from transmitting to the CA and the other party, any VRS call made to Snap can be a one-line VCO or one-line HCO call, subject to the enduring Internet-based QoS issues noted above.

¹⁸ See 47 C.F.R. § 64.604(a)(3)(v); see also *In re Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, Report and Order and Request for Comments, 6 FCC Rcd 4657 ¶ 24 (1991), *aff’d*, 8 FCC Rcd 1802 (1993).

¹⁹ See 2007 Waiver Order ¶¶ 6-9; 2004 TRS Order ¶ 135.

²⁰ See 2004 TRS Order, ¶ 135 n.384.

VCO-to-TTY and HCO-to-TTY calls require the CA to interpret via sign language to a hard-of-hearing or speech-impaired individual *and simultaneously* to operate a keyboard to interpret via text to the TTY user. Even putting aside the QoS issues noted above that can still arise with such calls, Snap is reluctant to offer them, particularly since they raise unique concerns and since there appears to be little interest in such calls within Snap's user community. Specifically, such calls would require the expenditure of significant additional network equipment and training expenses (the latter to improve Snap CAs' proficiency on a TTY machine) and would place too heavy a burden on CAs. Requiring CAs to perform two different yet simultaneous hand-intensive interpretations would only exacerbate the shortage of interpreters available to VRS providers and degrade the VRS user's experience overall.

VCO-to-VCO and HCO-to-HCO calls have similar problems as those noted above for VCO-to-TTY and HCO-to-TTY calls when one of the parties is a TTY user and, thus, continued waiver is required for such VRS calls. VCO-to-VCO and HCO-to-HCO calls, where both parties are videophone users, are technically infeasible and cost prohibitive for the same reasons that Snap has previously explained prevent three-way calling by VRS providers for more than one videophone at a time.²¹

²¹ See Snap Telecommunications, Inc.'s Annual Report on Progress Towards Meeting Waived Requirements, CC Docket No. 03-123, at 11 (filed Apr. 16, 2007) ("*2007 Progress Report*") (explaining that it is not technically feasible to offer three-way calling between *two* VRS callers and one hearing caller, because, among other things: (1) this would require Snap to deploy technology both on the switch and on the client end to display two distinct video calls at the same time in separate windows or separate pieces of equipment that are properly integrated for simultaneous use on a single VRS call; (2) even assuming the complex technology issues could be worked out, the research and operational costs to connect *compatible* videophones, let alone videophones using *incompatible* protocols, could be prohibitive; and (3) as with call release between two videophones, such calls can increase a VRS provider's bandwidth usage by as much as fifty percent, which would increase still further the cost of such calls and potentially affect other calls to the VRS center).

II. STATUS OF SNAP'S COMPLIANCE WITH EXPIRING WAIVERS

The Commission recently issued Orders terminating waivers previously granted for speed dialing, three-way calling, and emergency call handling.²² Below Snap outlines its plans for complying with the Commission's emergency call handling and speed dialing requirements.²³

A. Emergency Call Handling

On March 19, 2008, the Commission issued an Order in which it adopted emergency call handling requirements for VRS providers,²⁴ thereby ending a previously granted waiver for VRS providers from this requirement. The Order, which has not yet become effective, will require VRS providers to "accept and handle emergency calls and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP . . . and to relay the call to that entity."²⁵ Moreover, once the Order becomes effective, providers will be required to:

- (1) implement a priority system whereby they must "answer an incoming emergency call" before all other calls;
- (2) "request, at the beginning of [each] emergency call, the caller's name and location information;"
- (3) deliver to the PSAP, at a minimum, "the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number," to have in case of a disconnected call; and
- (4) in the case of a disconnect on either end of the call, "immediately re-establish contact" with the user and/or the appropriate emergency authority.²⁶

²² See *supra* note 2.

²³ As Snap noted in its 2007 Progress Report, Snap is currently in compliance with the three-way calling requirement in that Snap can connect one VRS caller and two hearing callers through conference-calling capabilities using the PSTN. See *2007 Progress Report* at 11.

²⁴ See generally *VRS E911 Order*.

²⁵ *Id.* ¶ 16.

²⁶ See *id.*

The Order also requires all Internet-based TRS providers to include a prominent and plain advisory on their website and in promotional materials, explaining why and how making emergency calls via Internet-based TRS may be in some way limited in comparison to traditional E911 service.²⁷

Although this Order is not yet effective, Snap has invested significant time and resources in designing and implementing an E911 solution that will allow Snap to comply with the Commission's new requirements. For example, Snap continues to contract with 911 Enable, a national 911 provider that offers the largest enhanced 9-1-1 coverage available today, to provide ANI information.²⁸ Moreover, Snap requests that users register their addresses for use in emergency calls, and pre-populates its location database with shipping addresses gathered from users whom Snap has supplied with an Ojo videophone.²⁹ In addition, Snap's 911 solution complies with the Commission's new requirement that the CA request the caller's name and location information at the beginning of an emergency call and then deliver all required information to the appropriate PSAP. Snap's 911 solution is also capable of prioritizing emergency calls and reestablishing calls in the case of a disconnect on either end of the call.

²⁷ See *id.* ¶ 26. The Commission also announced that, following a forthcoming Commission ruling, providers will be required to use a "Registered Location" process and a ten-digit numbering plan to determine the name and location of a caller. See *id.* ¶¶ 22-24. Finally, the Commission indicated that, upon the effective date of the forthcoming Registered Location order, an Internet-based TRS provider must transmit all 911 calls via the dedicated Wireline E911 Network, and the Registered Location must be available from or through the ALI Database. See *id.* ¶ 28.

²⁸ See 911 Enable, at <http://www.911enable.com/> (last visited Apr. 7, 2008). 911 Enable interconnects with the existing emergency service network, delivering 100% coverage in both the United States and Canada. It is able to provide real-time location updates, ensuring reliable delivery of location information to the PSAP for both static and remote users. 911 Enable is currently live to over 4,500 PSAPs in the United States alone.

²⁹ It is Snap's policy to verify each address before shipping an Ojo to ensure that each shipping address is a PSAP-accessible address. Although this method cannot guarantee the address of the actual user, Snap encourages users to maintain updated and correct addresses and has its CAs attempt to verify a caller's registered address whenever possible.

Consistent with the Commission's Order, Snap continues to inform its VRS users, through clear and conspicuous notices on its website and in its promotional materials, of the potential dangers of using VRS for emergency calls. Snap also encourages hearing-impaired individuals to use a TTY device to place such calls, as such devices are better equipped to handle these calls quickly and therefore to avoid any potentially life-threatening delays.³⁰

Snap is currently participating in the industry group comprised of VRS providers that is working with the Commission and with each other to discuss further enhancements to emergency calling solutions in the VRS area (such as reasonable and practical implementations of a national database and 10-digital dialing). Snap is fully committed to these efforts and will continue to assist in any way it can to ensure that an expeditious and sensible solution of this very important issue is developed and implemented for VRS users.

B. Speed Dialing

The Commission also requires TRS providers to offer speed dialing.³¹ This may entail, for example, a TRS provider manually storing a list of frequently used telephone numbers with associated speed-dialing codes as designated by the user in the TRS user's profile. The TRS user may then request the CA to dial this code (*e.g.*, call "Mom") in order to speed dial the associated telephone number. Although the Commission initially granted VRS providers a waiver from the speed dialing requirement,³² in the *2007 Waiver Order*, the Commission announced that the waiver would expire on January 1, 2008.³³ However, on January 8, 2008, the Commission

³⁰ See Snap! VRS, 911 Calls - 911 Emergency Notice, at <http://www.snapvrs.com/legal/911/> (last visited Apr. 11, 2008).

³¹ See 47 C.F.R. § 64.604(a)(3)(vi); see also *Second Improved TRS Order* ¶¶ 70-71.

³² See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report & Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379, ¶¶ 70-71 (2003).

³³ See *2007 Waiver Order* ¶ 21.

granted a temporary waiver of the speed dialing requirement to both Snap and Verizon until April 30, 2008.³⁴ Snap is pleased to report that it has completed development of its speed-dialing solution as described in its petition for this temporary waiver.³⁵ It is currently in the final stages of testing the new speed-dialing capability and is on track to comply with the speed dial requirement by the expiration date of its waiver on April 30, 2008.

As explained in its waiver petition, Snap's speed-dialing solution is robust and provides seamless pass-through of the dialed number from the Ojo to CAs. Moreover, it affords greater protection to VRS user privacy and eliminates the need for any manual lookups by Snap and any wasteful communication between the caller and the CA regarding which number to call. Snap's speed-dialing solution is a permanent feature that will serve VRS users indefinitely; regardless of whether an Ojo user changes his or her phone number, Snap's advanced speed-dialing solution will still work effectively.

³⁴ See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 23 FCC Rcd 124 (2008).

³⁵ See Snap Telecommunications, Inc.'s Request for Limited Waiver, CG Dkt. No. 03-123 (filed Dec. 31, 2007).

III. CONCLUSION

While progress continues to be made by Snap and others in various technology and other areas in order to provide functionally equivalent service for VRS users as envisioned by the Americans with Disabilities Act,³⁶ and while certain previously waived requirements are now fully applicable to VRS providers, the call types/services discussed above in Section I continue to present significant technical, cost, practical, and other challenges impeding workable solutions. Snap therefore respectfully requests that the waivers for these requirements be extended from the current expiration date of January 1, 2009 at least until January 1, 2010.

Finally, Snap's systems and plans will ensure compliance with the Commission's emergency call handling and speed dialing requirements once they become effective in the coming weeks.

Respectfully submitted,

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³⁶ Americans with Disabilities Act, Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990), 47 U.S.C. § 225 (establishing the telecommunications relay service).